



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4321 (Substitute H-2 as reported without amendment)
Sponsor: Representative Peter J. Lucido
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to do the following:

- Prohibit a law enforcement officer, except in exigent circumstances, from entering or searching a residence without a valid search warrant, if a resident expressly objected to the entry or search.
- Specify that the prohibition would apply even if another resident consented to the entry or search after the objecting resident was no longer physically present at the residence.
- Provide that evidence knowingly obtained in violation of the prohibition would be inadmissible in a criminal action against the person who objected, but could be used to revoke parole or probation or impeach a defendant's testimony.
- Specify that the prohibition would not apply if a resident who consented to an entry or search were the victim of an alleged crime committed by a resident who objected to the search for which a law enforcement officer's purpose in entering the residence was to obtain evidence of the alleged criminal act.

The bill would take effect 90 days after its enactment.

Proposed MCL 764.25c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 2-22-16

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